

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**TENTATIVE**

**ORDER NO. R9-2004-0194  
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY  
FOR  
MANDATORY MINIMUM PENALTIES  
AGAINST  
SEA WORLD SAN DIEGO  
VIOLATION OF  
ORDER NO. 2000-25, NPDES NO. CA0107336  
WASTE DISCHARGE REQUIREMENTS  
FOR  
SEA WORLD SAN DIEGO  
SAN DIEGO COUNTY  
DISCHARGE TO MISSION BAY**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), on June 10, 2004, having received a signed waiver of public hearing form and a payment of \$6,000 and having reviewed the allegations contained in Revised Complaint No. R9-2004-0085, dated May 14, 2004, and on the recommendation for administrative assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of \$6,000, finds as follows:

1. Sea World San Diego is authorized to discharge up to 3.24 million gallons per day (MGD) of wastewater and stormwater through the East Outfall and up to 6.12 MGD through the West Outfall in accordance with waste discharge requirements contained in Order No. 2000-25 which was adopted by the Regional Board on April 12, 2000.
2. The Discharge Specifications' section of Order No. 2000-25 states that fecal coliform concentrations shall not exceed 400/100 mL in more than 10 percent of total samples taken during any 30-day period. Samples taken on August 19 and 20, 2002 from the West Outfall caused fecal coliform concentrations in 2 of 8 samples taken in a 30-day period (August 8, 2002 through September 7, 2002), to exceed the effluent limitation (12.5 and 22 percent of samples respectively).
3. The Discharge Specifications' section of Order No. 2000-25 contains a Maximum at any Time effluent limitation of 104 CFU/100 mL for enterococcus. On October 2, 2002, Sea World San Diego reported an enterococcus result of 130 CFU/100 mL.

4. California Water Code section 13385(i) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each effluent limitation violation whenever an entity violates a waste discharge requirement effluent limitation four or more times in any six consecutive months. The reported effluent limitation violations for fecal coliform on August 20, 2002 and the enterococcus effluent limitation violation on October 2, 2002 are the fifth and sixth violations in a six-month period, and are each subject to a \$3,000 mandatory minimum penalty.
5. Consideration of the factors prescribed in California Water Code section 13385(e) based upon information available to the Regional Board supports an assessment of civil liability pursuant to California Water Code section 13385(i) in the amount of six thousand dollars (\$6,000).
6. The Regional Board incurred costs of \$3240 to prosecute the enforcement action; the costs include investigation, preparation of enforcement documents, communicating with the Discharger, and preparation of materials for public review and hearing.
7. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 15521, Chapter 3, Title 14, California Code of Regulations.

**IT IS HEREBY ORDERED** that pursuant to section 13385 of the California Water Code, civil liability is imposed on Sea World San Diego in the amount of six thousand dollars (\$6,000).

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on June 10, 2004.

**TENTATIVE**

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JOHN H. ROBERTUS  
Executive Officer